

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL JAMES KRUSELL, # 460118,	)	
Plaintiff,	)	
	)	No. 1:15-cv-1159
-v-	)	
	)	Honorable Paul L. Maloney
SAM HUNT, et al.,	)	
Defendants.	)	
	)	

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**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**AND**  
**GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR**  
**SUMMARY JUDGMENT**

Plaintiff Michael Krusell is a former state prisoner. He filed this civil rights action based on events that occurred while he was detained in the Emmett County Jail. Defendants filed a motion for summary judgment. (ECF No. 40.) The magistrate judge issued a report recommending the motion be granted in part and denied in part. (ECF No. 49.) Defendants filed objections. (ECF No. 51.) Plaintiff has not filed any objections.

After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam).

The Court has reviewed the R&R and objections. Defendants do not assert that the R&R contains factual errors. For the excessive force claim arising from the take down, Defendants assert that the magistrate judge did not apply the required deference to Defendant Hunt's perceptions of the threat posed by Plaintiff. The Court finds no errors in the recommendations. Viewing the record in the light most favorable to Plaintiff, there remain genuine issues of material fact whether Hunt's perception of a threat was reasonable so as to justify the take down. For the excessive force claim arising from the use of a taser, there remain genuine issues of material fact. Even if Defendant Britton yelled "TASER" prior to its use, Plaintiff has asserted that he was under Defendants' control, could not move, and was not resisting when the taser was used.

Accordingly, the R&R (ECF No. 49) is **ADOPTED** as the Opinion of this Court. Defendants' motion for summary judgment (ECF No. 40) is **GRANTED IN PART AND DENIED IN PART**. All of the claims against Defendants Allen and Britton are dismissed. The claims against Defendant Hunt arising from the strip search are dismissed.

**IT IS SO ORDERED.**

Date: February 1, 2018

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge